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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 SOLOMONA RICKY PATU,

12 Petitioner,

13 v.

14 STATE OF WASHINGTON,

15 Respondent.

CASE NO. 15-5411 RJB-DWC

ORDER ON REPORT AND
RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation of U.S.
17 Magistrate Judge David W. Christel. Dkt. 7. The Court has considered the Report and
18 Recommendation, Plaintiff's objections, if any, and the remaining record.

19 Petitioner brings this habeas corpus action pursuant to 28 U.S.C. § 2254 challenging his
20 20 year sentence after a guilty plea. Dkt. 1. Petitioner applied to proceed *in forma pauperis*
21 ("IFP"). Dkt. 3.

22 On August 3, 2015, the pending Report and Recommendation was filed, recommending
23 that Petitioner's IFP application be denied. Dkt. 7. The Report and Recommendation finds that
24 Petitioner can pay the five dollar (\$5.00) filing fee. *Id.*

1 The Report and Recommendation (Dkt. 7) should be adopted. Petitioner reports that he
2 has \$520.00 in his savings accounts (including the \$43.00 in his prison account). Dkt. 3, at 2.
3 Petitioner's application to proceed IFP (Dkt. 3) should be denied. Petitioner should be ordered to
4 pay the filing fee five dollar (\$5.00) within 30 days of the date of this order or risk dismissal of
5 the case. The case should be re-referred to U.S. Magistrate Judge David W. Christel for further
6 proceedings.

7 It is **ORDERED** that:

- 8 • The Report and Recommendation (Dkt. 7) **IS ADOPTED**;
- 9 • Petitioner's application to proceed IFP (Dkt. 3) **IS DENIED**;
- 10 • Petitioner **SHALL** pay the filing fee of five dollars (\$5.00) within 30 days of the
11 date of this order or risk dismissal of the case; and
- 12 • This case is **RE-REFERRED** to U.S. Magistrate Judge David W. Christel for
13 further proceedings.

14 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge
15 David W. Christel, all counsel of record, and to any party appearing *pro se* at said party's last
16 known address.

17 Dated this 2nd day of September, 2015.

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20 ROBERT J. BRYAN
21 United States District Judge
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